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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 7. MENTAL INSTITUTIONS [7100 - 7700] (*Division 7 repealed and added by Stats. 1967, Ch. 1667.*)

CHAPTER 2. State Hospitals for the Mentally Disordered [7200 - 7375] (*Heading of Chapter 2 renumbered from Chapter 3 by Stats. 1979, Ch. 373.*)

ARTICLE 7. Leave of Absence, Discharge, and Restoration to Capacity of Persons Other Than the Mentally Disordered Criminals [7350 - 7362] (*Article 7 added by Stats. 1967, Ch. 1667.*)

7350. The provisions of this article except for Section 7355 shall not apply to any patient held upon an order of a court or judge in a proceeding arising out of a criminal action.

(Amended by Stats. 1978, Ch. 1291.)

7351. Wherever in any provision of this code heretofore or hereafter enacted the term "parole" is used in relation to the release of a patient from a state hospital, it shall be construed to refer to and mean "leave of absence." A judicially committed patient or patient with an intellectual disability granted a leave of absence on or after July 1, 1969, and a patient on leave of absence as of July 1, 1969, may at any time during the period of the leave of absence be recalled and returned to the hospital.

Upon the release of a judicially committed patient as granted by the medical director of a state hospital, on leave of absence or discharge upon any of the grounds provided in this article, in accordance with the rules and regulations prescribed by the department, the superintendent shall issue to or on behalf of the judicially committed patient a document stating the general terms or limitations of the leave of absence, or a certificate stating the general condition of, or the reason for, the discharge of the judicially committed patient.

(Amended by Stats. 2012, Ch. 457, Sec. 66. (SB 1381) Effective January 1, 2013.)

7352. (a) The medical director of a state hospital may grant a leave of absence to a judicially committed patient, except as provided in Section 7350, under general conditions prescribed by the State Department of State Hospitals.

(b) The State Department of State Hospitals may continue to render services to patients placed on leave of absence prior to July 1, 1969, to the extent those services are authorized by law in effect immediately preceding July 1, 1969.

(Amended by Stats. 2014, Ch. 144, Sec. 128. (AB 1847) Effective January 1, 2015.)

7352.5. The medical director of a state hospital for the developmentally disabled may grant a leave of absence to any developmentally disabled patient or judicially committed patient, except as provided in Section 7350, under general conditions prescribed by the State Department of Developmental Services.

The State Department of Developmental Services may continue to render services to patients placed on leave of absence prior to July 1, 1969, to the extent such services are authorized by law in effect immediately preceding July 1, 1969.

(Added by Stats. 1977, Ch. 1252.)

7353. The State Department of State Hospitals shall pay the premium for third-party health coverage for Medicare beneficiaries who are patients at state hospitals under the jurisdiction of the State Department of State Hospitals. The department shall, when a mental health state hospital patient's coverage would lapse due to lack of sufficient income or financial resources, or any other reason, continue the health coverage by paying the costs of continuation or group coverage pursuant to federal law or converting from a group to an individual plan.

(Amended by Stats. 2012, Ch. 24, Sec. 193. (AB 1470) Effective June 27, 2012.)

7354. (a) A person with a mental health disorder may be granted care in a licensed institution or other suitable licensed or certified facility. The State Department of State Hospitals may pay for that care at a rate not exceeding the average cost of care of patients in

the state hospitals, as determined by the Director of State Hospitals. The payments shall be made from funds available to the State Department of State Hospitals for that purpose.

(b) The State Department of State Hospitals may make payments for services for patients who have mental health disorders in private facilities released or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the State Department of Health Care Services for similar types of care. The payments shall be made within the limitation of funds appropriated to the State Department of State Hospitals for that purpose.

(c) No payments for care or services of a patient with a mental health disorder shall be made by the State Department of State Hospitals pursuant to this section unless the care or services are requested by the local director of the mental health services of the county of the patient's residence, unless provision for the care or services is made in the county Short-Doyle plan of the county under which the county shall reimburse the department for 10 percent of the amount expended by the department, exclusive of the portion of the cost that is provided by the federal government.

(d) The provision for the 10-percent county share shall be inapplicable with respect to a county with a population of under 100,000 persons that has not elected to participate financially in providing services under Division 5 (commencing with Section 5000) in accordance with Section 5709.5.

(Amended by Stats. 2014, Ch. 144, Sec. 129. (AB 1847) Effective January 1, 2015.)

7354.5. Any developmentally disabled person may be granted care in a licensed institution or other suitably licensed or certified facility. The State Department of Developmental Services may pay for such care at a rate not exceeding the average cost of care of patients in the state hospitals as determined by the Director of Developmental Services. Such payments shall be made from funds available to the State Department of Developmental Services for that purpose.

The State Department of Developmental Services may make payments for services for developmentally disabled patients in private facilities released or discharged from state hospitals on the basis of reimbursement for reasonable cost, using the same standards and rates consistent with those established by the State Department of Developmental Services for similar types of care. Such payments shall be made within the limitation of funds appropriated to the State Department of Developmental Services for that purpose. No payments for care or services of a developmentally disabled person shall be made by the State Department of Developmental Services pursuant to this section, unless requested by the regional center having jurisdiction over the patient and provision for such care or services is made in the areawide plan for the developmentally disabled.

(Amended by Stats. 1978, Ch. 429.)

7355. No patient shall be discharged or, granted a leave of absence, or placed on parole or outpatient care from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot otherwise be obtained, the superintendent, under general conditions prescribed by the department having jurisdiction of the hospital, shall furnish such clothing and money, not exceeding fifty dollars (\$50), to defray the necessary expenses of such patient who is going on leave of absence, parole or outpatient care or is to be discharged, until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions prescribed by the department having jurisdiction of the hospital, furnish to patients while on leave of absence such incidental moneys, supplies or services as are necessary and advisable in the care, supervision and rehabilitation of such patients on leave of absence. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been granted a leave of absence.

(Amended by Stats. 1978, Ch. 1291.)

7356. The charges for the care and keeping of persons on leave of absence from a state hospital where the State Department of State Hospitals, the State Department of Developmental Services, or the State Department of Social Services pays for the care shall be a liability of the person, his or her estate, and relatives, to the same extent that the liability exists for patients in state hospitals.

The State Department of State Hospitals shall collect or adjust the charges in accordance with Article 4 (commencing with Section 7275) of Chapter 3 of this division.

(Amended by Stats. 2012, Ch. 24, Sec. 195. (AB 1470) Effective June 27, 2012.)

7357. The superintendent of a state hospital, on filing his or her written certificate with the Director of State Hospitals, may discharge a patient who, in his or her judgment, has recovered or did not, at time of admission, have a mental health disorder.

(Amended by Stats. 2014, Ch. 144, Sec. 130. (AB 1847) Effective January 1, 2015.)

7359. The superintendent of a state hospital, on filing his or her written certificate with the Director of State Hospitals, may discharge as improved, or may discharge as unimproved, as the case may be, any judicially committed patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient.

(Amended by Stats. 2012, Ch. 24, Sec. 197. (AB 1470) Effective June 27, 2012.)

7360. The medical superintendent shall not refuse to discharge any judicially committed patient as improved, on the ground that the guardian, friends, or relatives of the patient are not financially able and willing to care properly for the patient after his discharge. Any patient whose condition has improved so as to render him eligible for discharge under Section 7359 and whose guardian, friends, or relatives are not financially able and willing to care properly for him after his discharge shall be returned to the county from which he was committed, at the expense of the county, and shall be cared for by the county as are other indigent persons.

(Amended by Stats. 1968, Ch. 1374.)

7361. When the superintendent is unwilling to certify to the discharge of an unrecovered judicially committed patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated, upon such certificate, and upon any other proofs produced before him, after affording opportunity for a hearing to the superintendent, may direct, by order, the discharge of the patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, shall be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order shall be filed in the hospital from which the patient is discharged.

(Added by Stats. 1967, Ch. 1667.)

7362. (a) The medical superintendent of a state hospital, on filing his or her written certificate with the Director of State Hospitals, may on his or her own motion, and shall on the order of the State Department of State Hospitals, discharge a patient who comes within any of the following descriptions:

(1) Who is not a proper case for treatment therein.

(2) Who has a developmental disability or a chronic harmless mental health disorder.

(b) The person, when discharged, shall be returned to the county of his or her residence at the expense of the county, and delivered to the sheriff or other appropriate county official to be designated by the board of supervisors, for delivery to the official or agency in that county charged with the responsibility for the person. Should the person be a poor and indigent person, he or she shall be cared for by the county as are other indigent poor.

(c) No person who has been discharged from a state hospital under the provisions of paragraph (2) of subdivision (a) shall be again committed to a state hospital unless he or she is subject to judicial commitment.

(Amended by Stats. 2014, Ch. 144, Sec. 131. (AB 1847) Effective January 1, 2015.)